

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JESUS PERALTA,

Plaintiff,

- against -

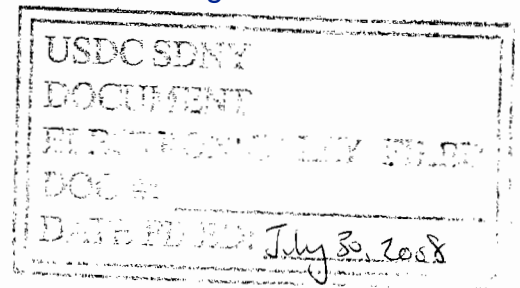
JOHN DOE CORRECTIONAL OFFICER WHO WORKS
8:00 AM INTO 4:00 PM SHIFT IN INTAKE
DOWNSTATE C.F. ON 2/7/08,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

The Complaint in this action was filed on May 7, 2008. To date, Defendant "John Doe Correctional Officer Who Works 8:00 AM into 4:00 PM Shift in Intake Downstate C.F. on 2/7/08" has not been identified, and therefore, has not been served. According to Plaintiff's July 21, 2008 letter to the Court Plaintiff has recently been transferred from Downstate Correctional Facility, where the alleged assault giving rise to this action occurred, to Marcy Correctional Facility and is therefore "unable to obtain C.O.s name."

A pro se litigant is entitled to assistance from the district court in effectuating service on a defendant. See Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997) (per curiam). In the spirit of Valentin, and in the interest of justice, the Court hereby directs New York State Department of Correctional Services Counsel to attempt to ascertain the identity and location of the Defendant whom Plaintiff seeks to sue here and, if they can be



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VALENTIN ORDER

identified, to seek to obtain authority to accept service on their behalf.

DCS Counsel is directed to report to Plaintiff and the Court, no later than September 1, 2008 on the location of the unserved Defendants and whether DCS accepts service on their behalf.

In view of the foregoing, Plaintiff's time to effect service on the remaining Defendants is extended to October 1, 2008.

SO ORDERED.

Dated: New York, New York
July 30, 2008

A handwritten signature in black ink, reading "Deborah A. Batts". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Deborah A. Batts
United States District Judge